

REMARKS

In the Office Action mailed July 11, 2003, the Examiner (yet again) reopened prosecution in view of the Appeal Brief filed by the applicant on May 6, 2003. In the Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. 112, second paragraph, rejected claims 1-4, 6, 11, 13-20, 22, 23, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4,131,331 ("Kendall, Jr."), rejected claims 5, 7-10, 21, 24 and 27 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr. in view of United States Patent No. 5,098,311 ("Roath et al.") and rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr. in view of United States Patent No. 5,713,744 ("Laub").

By the present amendment, claims 1 and 22 have been amended. Reconsideration of this application is respectfully requested. Claims 1-27 are currently pending in this application, with claims 28-30 currently withdrawn from consideration.

The Examiner rejected claims 1-27 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserted that the phrase "retention members engaging at least one of said contacts so as to impart an ungapped condition to the connector" recited in claims 1 and 22 was not definite. Applicant disagrees. As is clearly recited in claims 1 and 22, the ungapped condition is "at the location of the retention member within the housing" and that the ungapped condition "substantially prevents passage of liquid". Thus, applicant is of the opinion that one skilled in the art would find that claims 1-27 of the present invention are definite. As such, applicant requests that the Examiner withdraw the rejection of claims 1-27 under 35 U.S.C. 112, second paragraph.

The Examiner rejected claims 1-4, 6, 11, 13-20, 22, 23, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr. In asserting that Kendall, Jr. rendered the rejected claims obvious, the Examiner characterized the potting cup 16 as the receptacle, and the potting material 18 as the retention member.

Applicants have amended independent claims 1 and 22 to recite that the housing has a first surface and a second surface, and that the distance between the first surface and the second surface defining a thickness dimension of the housing. Claims 1 and 22 further recite that the thickness dimension of the housing at the location of the receptacles being generally the same as the thickness dimension of the housing at locations without receptacle. This structure of claims 1 and 22 is not present, nor is it suggested by, Kendall, Jr. as Kendall, Jr.

discloses a potting cup that extends a significant distance from the one surface of the exterior wall 14 of the connector disclosed in Kendall, Jr. Thus, the thickness of the connector in Kendall, Jr. is significantly thicker at the location of the receptacles as compared to the thickness of the connector as the locations without receptacle. Thus, Kendall, Jr. does not render amended independent claims 1 and 22 obvious for at least this reason. As such, claims 2-4, 6, 11, 13-20, 23, 25 and 26 are likewise not rendered obvious by Kendall, Jr. for at least this reason. Accordingly, applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 6, 11, 13-20, 22, 23, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr.

The Examiner rejected claims 5, 7-10, 21, 24 and 27 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr. in view of Roath et al. Claims 5, 7-10, 21, 24 and 27 are all ultimately depend upon either claim 1 or 22, which the applicant has argued is not obvious for at least the reason stated above. Since Roath et al. does not overcome the shortcomings stated above, the combination of Kendall, Jr. and Roath et al. does not establish a *prima facie* case of obviousness. Accordingly, applicant respectfully requests that the Examiner withdraw the rejection of claims 5, 7-10, 21, 24 and 27 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr. in view of Roath et al.

The Examiner rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr. in view of Laub. Claim 12, which depends from claim 1 which the applicant has argued is not obvious for at least the reason stated above. Since Laub does not overcome the shortcomings of Kendall, Jr., the combination of Kendall, Jr. and Laub does not establish a *prima facie* case of obviousness. Accordingly, applicant respectfully requests that the Examiner withdraw the rejection of claim 12 under 35 U.S.C. 103(a) as being unpatentable over Kendall, Jr. in view of Laub.


Applicant respectfully requests that the Examiner reconsider the rejections in view of the amended claims and in light of the above remarks, and allowance of all claims is respectfully requested.

Should the Examiner believe that a telephone conversation would facilitate the prosecution of the above-identified application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,

MOLEX INCORPORATED

Date: 10/14/03

By: 
Robert J. Zettler
Registration No. 37,973

Mailing Address:
MOLEX INCORPORATED
2222 Wellington Court
Lisle, Illinois 60532
Tel.: (630) 527-4884
Fax.: (630) 416-4962